



MIKE DRISCOLL
county attorney

RQ-377

April 21, 1992

IO # 15863
MBJ

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Hon. Dan Morales
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

Attention: Ms. Madeleine B. Johnson, Chair
Opinion Committee

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MAY 01 1992

Opinion Committee

Ladies and Gentlemen:

The Director of the Harris County Flood Control District has requested advice regarding the following questions:

1. Are governmental entities such as the Harris County Flood Control District authorized to engage in wetlands mitigation under the Wetlands Mitigation Act, TEX. REV. CIV. STAT. ANN. art. 5421u (Vernon Supp. 1992)?
2. If the Wetlands Mitigation Act does authorize the District to engage in wetlands mitigation, is the District authorized to engage in all of the activities set forth in the statute's provisions?
3. Is the Harris County Flood Control District authorized to enter into a contract with another political subdivision under section 6.04 of the Act for purposes of jointly paying all or part of the costs of the acquisition, design, construction, improvement, or maintenance of a wetlands mitigation bank, including any buffer zone?
4. Is a public hearing always required to be held prior to a political subdivision's adoption of a wetlands regulation program pursuant to section 6.06(a) of the Act?

Hon. Dan Morales
Attorney General of Texas

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April 21, 1992

Please supply us with your opinion on the questions presented. A memorandum brief is enclosed.

Sincerely,

MIKE DRISCOLL
County Attorney



By MERCEDES LEAL
Assistant County Attorney

Encl.